

Notice of Allowability	Application No.	Applicant(s)	
	10/501,106	PRZYTULLA ET AL.	
	Examiner	Art Unit	
	Ronald W. Leja	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the IDS of 8/25/2004.
2. ☒ The allowed claim(s) is/are 8-25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

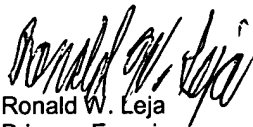
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/25/2004</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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 Ronald W. Leja
 Primary Examiner
 Art Unit 2836

11/23/05

The following is an Examiner's Statement of Reasons for Allowance: The claimed combinations found within Independent Claims 8, 24 and 25 each require an electroconductive bung plug received in the top of the container, contacting the outer conductive plastic container wall and having an electroconductive dissipater rod secured in the bung plug and having a length which is longer by about between 3% and 30% than the height of the container body. Dunken et al. (5,232,120) teach a bung plug (13) having a dip stick (86) attached to determine volume of liquid in the container. Specific length is not taught, nor is taught the conductive connection to the outer container wall so as to ensure safe electrostatic discharge. Johnston (4,005,813) teaches a container for dispensing a liquid wherein a siphon tube (58) extends from a bung plug device (50). The tube appears to meet the length, which is longer by about between 3% and 30% than the height of the container body, but does not appear to be concerned with conductive connections for charge dissipation, nor the use of a container having a non-conductive plastic inner wall and conductive plastic outer wall. Schutz (6,156,969) teaches a transport container, which includes grounding connections (7) to the inside of the container. There does not appear to be strong motivation for modifying the Reference so as to include the electroconductive bung plug and dissipater rod. Hoch (4,540,191) teaches a plastic fuel tank, which includes a metal filler neck (16) having a ground wire or cable (24) extending into the tank. The cable extends to the bottom of the tank, but there is no suggestion of the cable having a length which is longer by about between 3% and 30% than the height of the container body. The tank does not appear to have an inner non-conductive plastic wall with an outer electroconductive plastic container wall and there does not appear to be strong motivation for modifying the Reference, except with the help of

Art Unit: 2836

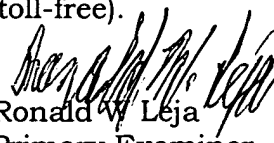
hind-sight. It is the opinion of the Examiner that the claimed combinations found within the Independent Claims 8, 24 and 25 are novel and unobvious in view of the Prior Art of Record.

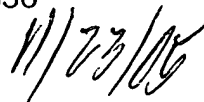
Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W. Leja whose telephone number is (571)272-2053. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ronald W. Leja
Primary Examiner
Art Unit 2836



rwl
November 23, 2005